

LOUIS RIGBY
Mayor
JOHN ZEMANEK
Councilmember At Large A
DOTTIE KAMINSKI
Councilmember At Large B
DANNY EARP
Councilmember District 1
CHUCK ENGELKEN
Councilmember District 2



DARYL LEONARD
Councilmember District 3
KRISTIN MARTIN
Mayor Pro-Tem
Councilmember District 4
JAY MARTIN
Councilmember District 5
NANCY OJEDA
Councilmember District 6

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF LA PORTE
MARCH 26, 2018**

The City Council of the City of La Porte met in a regular meeting on **Monday, March 26, 2018**, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at **6:00 p.m.** to consider the following items of business:

1. **CALL TO ORDER** – Mayor Rigby called the meeting to order at 6:00 p.m. Members of Council present: Councilmembers Ojeda, J. Martin, K. Martin, Kaminski, Zemanek, Leonard, Engelken, and Earp. Also present were City Secretary Patrice Fogarty, City Manager Corby Alexander, Assistant City Manager Jason Weeks, and Assistant City Attorney Clark Askins.
2. **INVOCATION** – The invocation was given by Ben Rosenberger, Bayshore Baptist Church.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by Councilmember Danny Earp.
4. **PRESENTATIONS, PROCLAMATIONS, and RECOGNITIONS**
 - (a) **Recognitions** – Retirement of Dennis Hlavaty (City of La Porte Golf Course) – Mayor Rigby
Mayor Rigby recognized the retirement of Dennis Hlavaty.
 - (b) **Proclamation** – La Porte Special Olympics Shrimp Boil Day – Mayor Rigby
Mayor Rigby presented a proclamation for La Porte Special Olympics Shrimp Boil Day.
5. **PUBLIC COMMENTS** (Limited to five minutes per person.)

Lori Murray, 309 S. Brownell, addressed Council with concerns of possible drug activity of a house across the street from her home in her neighborhood.
6. **CONSENT AGENDA** (*All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.*)
 - (a) Consider approval or other action regarding the minutes of the meeting held on March 12, 2018 – P. Fogarty
 - (b) Consider approval or other action to exercise option for 3-year extension of commercial solid waste franchise agreement with WCA Waste Corporation – D. Pennell
 - (c) Consider approval or other action regarding Bid #18010 for Audio Visual Equipment Upgrade at City of La Porte Police Department – M. Dolby
 - (d) Consider approval or other action authorizing the City Manager to execute a professional services contract with Burditt Consultants, L.L.C., for the design, bidding and construction

phase services for design and construction of new facilities at Five Points, with a total authorization of \$52,485.00 – D. Pennell

Councilmembers Earp, Zemanek and J. Martin had questions on Items b and d. Public Works Director Don Pennell and staff answered the questions.

Councilmember Engelken made a motion to approve Consent Agenda Items a, b and c pursuant to staff recommendations. Councilmember Earp seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Ayes: Mayor Rigby, Councilmembers Leonard, Engelken, Ojeda, Zemanek, Kaminski, Earp, J. Martin, and K. Martin
Nays: None
Absent: None

Councilmember Earp made a motion to decline the bid for Consent Agenda Item d and instructed staff to go back out to bid for a design build. Councilmember Zemanek seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Ayes: Mayor Rigby, Councilmembers Leonard, Engelken, Ojeda, Zemanek, Kaminski, Earp, J. Martin, and K. Martin
Nays: None
Absent: None

7. AUTHORIZATIONS/ORDINANCES

- (a) Consider approval or other action regarding an Ordinance amending Chapter 74 “Utilities” of the Code of Ordinances by eliminating front foot development fees for water and sewer services – C. Alexander

City Manager Corby Alexander presented a summary.

Councilmember Earp made a motion to approve an Ordinance amending Chapter 74 “Utilities” of the Code of Ordinances by eliminating front foot development fees for water and sewer services. Councilmember Engelken seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

Ayes: Mayor Rigby, Councilmembers Leonard, Engelken, Ojeda, Zemanek, Kaminski, Earp, J. Martin, and K. Martin
Nays: None
Absent: None

Prior to council action, Assistant City Attorney Clark Askins read the caption of **Ordinance 2018-3699: AN ORDINANCE AMENDING CHAPTER 74 “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE BY ELIMINATING FRONT FOOT DEVELOPMENT GEES FOR WATER AND SEWER SERVICES; AMENDING APPENDIX A “FEES” PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINDED IN A SUM NOT TO EXCEED TWO THOUSAND DOLLARS PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.**

8. REPORTS

- (a) Receive report of the La Porte Development Corporation Board – Councilmember Ojeda

At the request of Councilmember Ojeda, Economic Development Coordinator Ryan Cramer provided a report of the La Porte Development Corporation Board meeting held prior to the City Council meeting.

9. ADMINISTRATIVE REPORTS

There were no additional reports.

10. COUNCIL COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information.

Councilmember Earp congratulated Dennis Hlavaty on his retirement; wished the Special Olympics Shrimp Boil well on the event; and requested Staff to assist Ms. Murray with her concerns; Councilmember Ojeda reminded everyone of the upcoming Easter Services at 6:30 a.m., on Sunday morning and congratulated Assistant City Attorney Clarks Askins on his daughter playing a part on a sitcom this past week; Councilmembers J. Martin, K. Martin and Kaminski thanked Dennis Hlavaty for his services and congratulated him on his retirement; encouraged everyone to purchase tickets for the Special Olympics Shrimp Boil and requested Staff to assist Ms. Murray with her concerns; Councilmember Zemanek wished Dennis Hlavaty well on his retirement; commented the Special Olympics Program is a wonderful program; and expressed his excitement for opening day for the World Champs Houston Astros; Councilmember Leonard congratulated Dennis Hlavaty on his retirement and wished the Special Olympics Program well on the shrimp boil; Councilmember Engelken wished Dennis Hlavaty well in his retirement and requested assistance and an update on Ms. Murray's concerns; and Mayor Rigby thanked Dennis Hlavaty for his services and commented he will be missed; commented the Special Olympics Program is a great program, and wished them well.

11. EXECUTIVE SESSION – The City reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code, including, but not limited to, the following:

Texas Government Code, Section 551.074 – Personnel Matter: Deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, unless the officer or employee requests a public hearing: Patrice Fogarty, City Secretary.

Texas Government Code, Section 551.071(1)(A) – Pending or Contemplated Litigation: Meet with City Attorney to discuss CMV enforcement issue raised by Perez Logistics.

City Council recessed the regular Council meeting to convene an executive session at 6:34 p.m. regarding the items listed above.

12. RECONVENE into regular session and consider action, if any on item(s) discussed in executive session.

Council reconvened the regular Council meeting at 7:34 p.m.

Regarding the discussion of CMV enforcement issues raised by Perez Logistics, there was no action taken.

Regarding the evaluation of City Secretary Patrice Fogarty, Councilmember Engelken made a motion to give City Secretary Patrice Fogarty a 4 percent lump sum salary increase. Councilmember Leonard seconded. **MOTION PASSED UNANIMOUSLY 9/0.**

13. **ADJOURN** - There being no further business, Councilmember Engelken made a motion to adjourn the meeting at 7:35 p.m. Councilmember Leonard seconded the motion. **MOTION PASSED UNANIMOUSLY 9/0.**

Patrice Fogarty, City Secretary

Passed and approved on April 9, 2018.

Mayor Louis R. Rigby